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Attorneys for Defendants
TRAVIS MOREDA DAIRY and TRAVIS
MOREDA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIANS FOR ALTERNATIVES TO
TOXICS,

Plaintiff,

vs.

TRAVIS MOREDA DAIRY and TRAVIS
MOREDA,

Defendants.

Case No. 3:24-CV-06632-SI

**DECLARATION OF TRAVIS
MOREDA IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS
OR, IN THE ALTERNATIVE, MOTION
FOR SUMMARY JUDGMENT**

*[Filed concurrently with Notice of Motion
and Motion, Declarations of Kyle Lutz and
Alexander Moore, and [Proposed] Order]*

*Assigned for all purposes to the
Honorable Susan Illston*

DECLARATION OF TRAVIS MOREDA

I, Travis Moreda, declare and state as follows:

1. I am the sole proprietor of Travis Moreda Dairy. I have personal knowledge of the facts set forth herein, and if called as a witness I could and would competently testify thereto.

2. For more than 100 years, five generations of my family have grown crops and raised livestock in Sonoma County.

3. I am committed to sustainable agriculture and the protection of the environment. No agency has ever found my operation in violation of the Clean Water Act.

4. My dairy provides milk and dairy products to the local community while providing a livelihood for my family. However, my dairy is still recovering from the impact of a 40-year low of the dairy industry as a whole, and is under financial strain and on the brink of collapse due to a difficult economy.

5. Unexpected expenses, including extended litigation, might result in my bankruptcy.

6. In 2024, Plaintiff was a key sponsor of Measure J. Attached as **Exhibit A** is a true and correct copy of the Measure J voter materials prepared prior to November 5, 2024 general election.

7. Attached as **Exhibit B** is a true and correct copy of the Press Democrat news article, “‘A Really Easy One’: Sonoma County Voters Trusted Local Farmers Over Measure J Backers, PD/KRCB Poll Shows,” dated November 15, 2024.

8. Attached as **Exhibit C** is a true and correct copy of the Press Democrat news article, “101-Year-Old Sonoma County Family Dairy Closes After Costly Court Fight with Environmental Group,” dated May 2, 2024.

9. I object to the use of Plaintiff’s illegal drone footage of my dairy in this

1 litigation. The flight was performed without my permission and represents an
2 invasion of my privacy and that privacy of my family, employees, and my
3 employees' families, many who have children under the age of eight who frequent
4 the areas the drone footage was taken, including homes, private yards, and play
5 areas.

6 I declare under penalty of perjury under the laws of the United States of
7 America that the foregoing is true and correct.

8 Executed this 26th day of September 2025, in Petaluma, California.

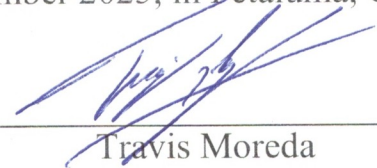
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12 Travis Moreda

EXHIBIT A



Local Ballot Measure: J

Measure J

County of Sonoma

Measure Question Simple Majority Needed to Pass

SONOMA COUNTY PROHIBITION ON CONCENTRATED ANIMAL FEEDING OPERATIONS
Should the County Code be amended to prohibit, outside of the Coastal Zone, farms and other animal production operations that meet the definition of “Concentrated Animal Feeding Operations” (CAFOs), as defined by federal regulations, require phase out of existing CAFOs over three years, authorize daily financial penalties for violations, and require, among other things, the Agricultural Commissioner to create a job retraining program for CAFO workers?

What Your Vote Means

YES	NO
A “yes” vote on Measure J will add and amend the code provisions governing CAFOs in all districts in the unincorporated areas of the County outside of the coastal zone.	A “no” vote on Measure J will keep the existing code provisions.

For and Against Measure J

FOR	AGAINST
Samantha Eachus Sebastopol Farm Worker	SONOMA COUNTY FARM BUREAU Doug Beretta, Organic Farmer/Board President
Christopher Green Executive Director, Animal Legal Defense Fund	CLOVER SONOMA Michael Benedetti, Senior Director of Sustainability
Brenda Forsythe, Ph.D., D.V.M. Veterinarian	SONOMA COUNTY CONSERVATION ACTION Neal Fishman, President
CALIFORNIANS FOR ALTERNATIVES TO TOXICS Patricia M Clary, Executive Director	SONOMA COUNTY BOARD OF SUPERVISORS David Rabbitt, Chair of the Board
Jerry Bernhaut Environmental Attorney, California River Watch	SANTA ROSA METRO CHAMBER Peter Rumble, CEO



Local Ballot Measure: J

County Counsel's Impartial Analysis of Measure J

Measure J asks voters to add new sections to and amend other sections of Chapter 26 of the Sonoma County Code to phase-out existing and prohibit future Concentrated Animal Feeding Operations (CAFO) in all zone districts in the unincorporated areas of the County outside of the coastal zone. Existing operations would become legal nonconforming and have three years to phase out or modify operations to come into compliance. Measure J exempts certain animal shelters and temporary stables used during emergencies. Measure J was placed on the ballot by a petition signed by the requisite number of voters in Sonoma County. The full text of Measure J is published in this County Voter Information Guide.

Measure J would define CAFO in accordance with federal water quality regulations. The animals covered would be cattle or cow/calf pairs, mature dairy cattle, veal calves, swine, horses, sheep or lambs, turkeys, chickens, laying hens or broilers, and ducks. CAFOs would be categorized as large, medium, or small, depending on the number and type of confined animals and potential to impact water quality. Measure J would consider animals confined if stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and when crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more operations could together be considered a single CAFO if certain criteria are met.

Measure J would require registration for existing CAFOs, which would have three years to modify or cease operations. It would also require the Agricultural Commissioner to establish Best Management Practices to phase-out CAFOs, developed in collaboration with a California-based animal cruelty prevention organizations. It would require the Agricultural Commissioner to present an annual report on ordinance compliance to the Board of Supervisors and create a job-retraining program for CAFO workers.

The Agricultural Commissioner would be required to establish a system for receiving, investigating, and retaining complaints. If a farm meets the definition of a CAFO and does not comply with the terms of Measure J by the end of the phase-out period, then the farm would face daily penalties of \$1,000 for the first day, \$5,000 for the second day, and \$10,000 for the third and subsequent days in violation. The Agricultural Commissioner may additionally pursue any other enforcement available at law. The measure also provides a private right of action for injunctive relief and attorneys' fees and costs to the prevailing party. It would make it a misdemeanor to retaliate against another person for making a good-faith complaint.

Measure J will become effective only if approved by a majority of those voting on the measure.

A "yes" vote on Measure J will add and amend the code provisions governing CAFOs in all districts in the unincorporated areas of the County outside of the coastal zone.

A "no" vote on Measure J will keep the existing code provisions.

ROBERT PITTMAN
County Counsel

By: s/ Joshua A. Myers
Chief Deputy County Counsel

County Auditor's Fiscal Impact Statement — Measure J

Potential Reduction in Sales Tax Revenues. This measure would likely result in a countywide decrease in poultry and livestock production including dairy products. A decrease in poultry and livestock production would have broader impacts on related sectors of the local economy, including farm employment, farm supply and equipment sales, feed sales, veterinary services, and household consumption. These broader impacts would result in a reduction in County sales tax revenues that cannot be quantified or estimated at this time.

Potential Increase in Property Tax Revenues. County property tax revenues would increase if restricted, agricultural use properties are converted to unrestricted land use because of this measure. Under the Williamson Act, a property in contract to remain in agricultural operation for a minimum of 10 years typically qualifies for a reduction in the taxable assessed value. Property tax revenue impacts cannot be quantified or estimated at this time due a lack of information about potentially affected properties.

Potential Increase in Civil Penalties. This measure establishes daily civil penalties of \$1,000 for the first day, \$5,000 for the second day, and \$10,000 for the third and subsequent days in violation, to be deposited to the County General Fund. County civil penalties revenue would be collected on a case-by-case basis and cannot be quantified or estimated at this time.

Increase in County Oversight, Enforcement and Support Service Costs. During the three-year phase-out period, the measure requires the Sonoma County Agricultural Commissioner's office to identify pre-existing Concentrated Animal Feeding Operations (CAFO's), create a public-facing database of CAFO's, and conduct inspections. After CAFO's terminate operations, the measure requires the Agricultural Commissioner to conduct inspections to document compliance. Other requirements include developing a Best Management Practices Document in collaboration with the Society for the Prevention of Cruelty to Animals (SPCA) or animal welfare organization; establishing a system for processing and responding to complaints; and providing retraining and employment assistance for former and current CAFO workers. The Agricultural Commissioner estimates it would incur \$1.6 million in additional costs annually.

The Sonoma County Human Services Department estimates it would incur \$1.5 million in additional costs for employment-related services due to jobs lost in the agricultural industry.

In accordance with the Elections Code 9160(c), the scope of this fiscal impact statement is limited to the effect on revenues and expenditures of the County of Sonoma. It does not address broader fiscal impacts that Measure J may have on the local economy.

s/ Erick Roeser
Auditor-Controller-Treasurer-Tax Collector



Local Ballot Measure: J

Arguments and rebuttals are the opinions of the authors. They are printed exactly as submitted, including errors.

Argument in Favor of Measure J	Rebuttal to Argument in Favor of Measure J
<p>Vote yes on J to protect animals, local water, public health, and small farms.</p> <p>Measure J is a simple, moderate measure that limits the number of animals that can be confined in one facility by prohibiting Concentrated Animal Feeding Operations (CAFOs). CAFOs are the largest, most destructive animal factory farms, as defined by the Environmental Protection Agency.</p> <p>Trusted organizations including the Sierra Club, American Society for the Prevention of Cruelty to Animals, and American Public Health Association support policies to stop CAFOs, and polling shows overwhelming support for prohibiting new CAFOs.</p> <p>While Sonoma County is known for its hundreds of small farms, there are around twenty CAFOs in the county, including one confining over 500,000 birds and some that are operated by Perdue.</p> <p>Sonoma County's Animal Services Department and others have documented criminal animal cruelty at Sonoma County CAFOs. Footage shows sick and injured chickens and ducks unable to walk to food and water and dead cows left by the garbage. View at www.YesOnJ.vote. Measure J will protect animals.</p> <p>CAFOs are major polluters. Waste from CAFOs is often stored in open pits, leading to water pollution and threatening wildlife. Nearly every stream and river in Sonoma County is impaired by nitrogen or phosphorus, of which animal waste from CAFOs is a primary source. Measure J will protect vital watersheds like the Petaluma River and Sonoma Creek.</p> <p>CAFOs pose a serious risk to public health because they provide a perfect breeding ground for diseases to develop and spread. We are seeing this with the Highly Pathogenic Avian Influenza which has jumped from birds to mammals including cows and humans. Testing at Sonoma County CAFOs has found dangerous pathogens including antibiotic-resistant bacteria. Measure J will protect our health.</p> <p>The increasing dominance of CAFOs has undermined small farms in Sonoma County. Measure J will level the playing field, revitalize the local agricultural economy, and promote sustainable farming practices.</p> <p>Vote yes to protect our community and all its inhabitants.</p> <p>s/ Samantha Eachus Sebastopol Farm Worker</p> <p>s/ Christopher Green Executive Director, Animal Legal Defense Fund</p> <p>s/ Brenda Forsythe, Ph.D., D.V.M. Veterinarian</p> <p>CALIFORNIANS FOR ALTERNATIVES TO TOXICS s/ Patricia M Clary, Executive Director</p> <p>s/ Jerry Bernhaut Environmental Attorney, California River Watch</p>	<p>Vote No on Measure J to protect Sonoma County's farms, economy, environment and our local food from this dangerous and misguided initiative.</p> <p>Measure J is a deeply flawed and confusing initiative that threatens our local agricultural community. Contrary to what proponents claim, Measure J is not simple or moderate—it's a poorly written policy with far-reaching, unintended consequences. By targeting our multi-generational farm families, Measure J jeopardizes both small and large farms that use state-of-the-art practices to protect water quality and reduce greenhouse gas emissions.</p> <p>The backers of Measure J have a history of extreme actions that put our local farms at risk. According to a report by the California Department of Food and Agriculture, the "egregious nature" of the illegal break-ins on Sonoma County poultry farms led by one of Measure J's sponsors may have introduced the deadly avian influenza, causing the loss of more than 750,000 birds. This kind of reckless behavior endangers animals, farm workers, and farmers.</p> <p>Sonoma County's farms are among the most progressive in the nation, setting high standards in sustainability and animal welfare. Our farmers are leaders in animal care, carbon sequestration and environmental stewardship, practices that will be undermined by Measure J.</p> <p>The claim that CAFOs are major polluters and the breeding ground for diseases misrepresents the facts. Strict federal and state regulations ensure responsible waste management, protecting Sonoma County's water quality and environment.</p> <p>Measure J is misleading. That is why every State and Federal Representative in Sonoma County, as well as the Sonoma County Board of Supervisors, numerous City Council Members, Clover Sonoma, and Straus Family Creamery oppose Measure J.</p> <p>Vote No on J. Learn More: www.NoOnMeasureJ.com</p> <p>s/ Don McEnhill Executive Director, Russian Riverkeeper</p> <p>s/ Lynda Hopkins Sonoma County Supervisor /Family Farmer</p> <p>s/ Kathy Tresch Organic Dairy farmer</p> <p>s/ Sergio de Jesus Batres Farm Worker</p> <p>s/ Dr. Gene Harlan Veterinarian - Cotati Veterinary Hospital</p>



Local Ballot Measure: J

Arguments and rebuttals are the opinions of the authors. They are printed exactly as submitted, including errors.

Argument Against Measure J	Rebuttal to Argument Against Measure J
<p>Measure J poses the single biggest threat to Sonoma County today, targeting multi-generational farm families and jeopardizing the local food on your table. This measure, pushed by a group from Berkeley, aims to dismantle Sonoma County's diverse animal agriculture, threatening the livelihood of our family farmers, our local economy, and our environment.</p> <p>Sonoma County's family farmers are the backbone of our community, providing fresh dairy and poultry products. If Measure J passes, many of these farms will be forced to close, leading to significant job losses and economic devastation. Local food prices would increase. We would become reliant on imported eggs, milk, cheese, and meat, increasing greenhouse gas emissions.</p> <p>Our farmers are already leaders in animal welfare and sustainability, prioritizing pasture-fed dairy cows and cage-free chickens. 42% of California's organic milk comes from Sonoma County – with Measure J, brands like Clover Sonoma and Straus Family Creamery would be severely impacted. An independent study predicts more than a quarter-billion-dollar hit to our economy, with job losses rippling across the county.</p> <p>Animal agriculture in Sonoma County also contributes to environmental stewardship. Grazing cows reduce wildfire risk and help sequester carbon through sustainable practices. However, Measure J would force many farms to close entirely, putting animals at risk of being sold to out-of-state farms with fewer protections.</p> <p>Measure J also disproportionately harms consumers already struggling with high food prices and farmworkers who care for animals. The measure is widely opposed across the county, including the entire Sonoma County Board of Supervisors, Sheriff Eddie Engram, Sonoma County Deputy Sheriff's Association, Professional Fire Fighters of Sonoma County Local 1401, North Bay Labor Council, Sonoma County Farm Bureau, Generation Housing, the Sonoma County Hospitality Association, environmental groups, and both the Democratic and Republican Parties, as well as Congressman Mike Thompson, Senator Mike McGuire and Senator Bill Dodd, along with Assemblymember Damon Connolly, Assemblymember Jim Wood, and Assemblymember Cecilia Aguiar-Curry.</p> <p>In short, Measure J threatens our way of life, our economy, and the well-being of our community.</p> <p>Vote No on Measure J. Thank you. www.NoOnMeasureJ.com</p> <p>SONOMA COUNTY FARM BUREAU s/ Doug Beretta, Organic Farmer/Board President</p> <p>CLOVER SONOMA s/ Michael Benedetti, Senior Director of Sustainability</p> <p>SONOMA COUNTY CONSERVATION ACTION s/ Neal Fishman, President</p> <p>SONOMA COUNTY BOARD OF SUPERVISORS s/ David Rabbitt, Chair of the Board</p> <p>SANTA ROSA METRO CHAMBER s/ Peter Rumble, CEO</p>	<p>Lobbying groups opposed to Measure J have resorted to fear tactics and deception. They use stock photos from the internet on their materials. The Yes on J campaign uses real photos of animals suffering in Sonoma County CAFOs. We published a map of the CAFOs and a research report citing credible, scientific studies. See www.YesOnJ.vote/cafos.</p> <p>The opposition makes extreme claims without citing sources. They have wildly exaggerated the impact on the dairy industry and local food. Clover sells milk from 27 farms. Only 3 are CAFOs that would need to downsize.</p> <p>CAFOs outcompete small farms and threaten sustainable, local farming.</p> <p>"The first step in making family farms viable again is to level the playing field." - Roy Smith, Green Goose Farm, Pennngrove</p> <p>The economic report they cited is not based on the impact of Measure J and is not mentioned in the county's impartial analysis.</p> <p>The reality is Measure J requires the downsizing of around 20 factory farms, which all meet the federal definition of a large CAFO, for example confining over 125,000 chickens. These operations represent only 3% of Sonoma County animal farms, but they disproportionately pollute our water, harm animals, and spread diseases like avian flu.</p> <p>Follow the money. The opposition is funded by factory farms and industry lobbying groups including the National Pork Producers Council in Iowa. These groups and the Sonoma County Farm Bureau have consistently lobbied against animal welfare improvements. Do you trust them to decide acceptable animal welfare?</p> <p>Our community cares about protecting animals and our environment for generations to come.</p> <p>Vote yes on Measure J.</p> <p>s/ Jon Haveman Principal Economist, Ph.D.</p> <p>s/ Brenda Forsythe, Ph.D., D.V.M. Veterinarian</p> <p>s/ Christopher Green Executive Director, Animal Legal Defense Fund</p> <p>s/ Donald L. Lipmanson Environmental Lawyer</p> <p>s/ Jerry Bernhaut Environmental Attorney, California River Watch</p>



Local Ballot Measure: J

Full Text of Measure J

WHEREAS, the people of Sonoma County value healthy communities and a healthy environment; and

WHEREAS, the people of Sonoma County value the humane treatment of animals; and

WHEREAS, the U.S. Supreme Court upheld California's Proposition 12 (the Farm Animal Confinement Initiative), the nation's strongest farm animal welfare law, which was supported by 61.6% of Sonoma County voters; and

WHEREAS, hundreds of Concentrated Animal Feeding Operations (CAFOs) presently operate in California, including over a dozen in Sonoma County; and

WHEREAS, millions of animals are confined in CAFOs across California; and

WHEREAS, it is a well-established scientific fact, as supported by thousands of studies exploring animal cognition, that animals have emotions, personalities, and the ability to feel pain, fear, and stress; and

WHEREAS, every day, animals are treated inhumanely at CAFOs; and

WHEREAS, the treatment of animals in CAFOs routinely violates California animal cruelty laws, with little to no accountability; and

WHEREAS, CAFOs have severe negative public health and environmental impacts due to the large amounts of concentrated, potentially toxic waste they produce and the infectious diseases they facilitate and harbor; and

WHEREAS, investigators have found antibiotic-resistant bacteria and infectious diseases in CAFOs in California and across the U.S.; and

WHEREAS, given that three out of four emerging infectious diseases are zoonotic, CAFOs pose a serious risk to public health; and

WHEREAS, emissions from industrial animal agricultural operations are a significant cause of climate change, with livestock contributing 14.5 percent of all greenhouse gas emissions; and

WHEREAS, by worsening climate change via the release of greenhouse gasses such as methane, CAFOs are a major contributor to the drought and wildfires in California; and

WHEREAS, it is projected that the global industrial agricultural sector will nearly double in greenhouse gas emissions by 2050; and

WHEREAS, globally, CAFOs and other intensive farming practices are the primary driver of biodiversity loss through dependence on inputs such as fertilizer, pesticides, energy, land, and water, and on practices such as monocropping and heavy tilling, which in turn reduces the variety of landscapes and habitats; and

WHEREAS, biogas (which can convert animal waste into energy) have been shown to be ineffective at mitigating the public health and environmental impacts of CAFOs, as they can produce other harmful chemicals without fully removing toxins from the environment; and

WHEREAS, workers at CAFOs face health risks due to exposure to harmful substances and antibiotic-resistant bacteria, as well as high rates of respiratory injuries, musculoskeletal injuries, and anxiety and depression; and

WHEREAS, CAFOs disproportionately affect low-income and disadvantaged communities, raising social and environmental justice concerns; and

WHEREAS, proximity to CAFOs significantly decreases property values, with a 2015 study showing that properties within 3 miles of a CAFO lost up to 26% of their value and properties within ¼ mile of a CAFO lost up to 88% of their value; and

WHEREAS, legislation (the Farm System Reform Act) has been proposed in U.S. Congress which would place a moratorium on the construction of large CAFOs and enact other restrictions on resource-intensive factory farming; and

WHEREAS, the American Public Health Association has called for federal, state, and local governments to impose a moratorium on new and expanding CAFOs; and

WHEREAS, several other jurisdictions across the U.S. have placed restrictions on CAFOs; and

WHEREAS, the County of Sonoma has a legitimate and substantial interest in promoting public health and encouraging responsible environmental practices; and

WHEREAS, it is the intent of Sonoma County to prohibit CAFOs in order to protect the environment, animals, and the health and well-being of its residents and communities; and

WHEREAS, it is also the intent of Sonoma County to provide a retraining and employment assistance program for workers at CAFOs to facilitate the transition to safer forms of work; and

WHEREAS, the present Ordinance is in line with Sonoma County's values as an agricultural community that respects the environment and responsible agricultural practices;

NOW, THEREFORE, the People of the County of Sonoma ordain as follows:

SECTION 1: ADDITION OF §26-18-075.

Section 26-18-075 is hereby added to read as follows:

Sec. 26-18-075 Animal Keeping: Concentrated Animal Feeding Operations

A. Purpose.

The Purpose of this Section is to protect the environment, animals, and the health and well-being of Sonoma County residents and communities by prohibiting the operation of CAFOs, as defined herein, within the unincorporated areas of the County.

B. Definitions.

The following words and phrases as used in this Chapter shall be defined as follows:

"Animal feeding operation" or "AFO" means a lot or facility that meets the regulatory definition of an AFO as set out by the Environmental Protection Agency in 40 CFR 122.23 as of August 2023. Specifically, a lot or facility (other than an aquatic animal production facility) is deemed an AFO where the following conditions are met:

- (i) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and
- (ii) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

"Concentrated Animal Feeding Operation" or "CAFO" means an AFO which meets the definition of a Medium CAFO or Large CAFO,



Local Ballot Measure: J

Full Text of Measure J (Continued)

as defined herein, and set out by the Environmental Protection Agency in 40 CFR 122.23 as of August 2023, or which is designated as a CAFO of any size by the permitting authority.

“Large CAFO” means an AFO which confines at least the number of animals described in Table 18-0.

“Medium CAFO” means an AFO which falls within the size range in Table 18-0 and either:

- (i) has a man-made ditch or pipe that carries manure or wastewater to surface water; or
- (ii) the animals come into contact with surface water that passes through the area where they’re confined; or
- (iii) is designated as a Medium CAFO by the permitting authority due to being a significant contributor of pollutants.

“Pre-Existing CAFO” means a CAFO currently in existence in Sonoma County at the time this Ordinance becomes effective.

“Small CAFO” means an AFO which confines fewer than the number of animals listed in Table 18-0 and which has been designated as a CAFO by the permitting authority as a significant contributor of pollutants.

Table 18-0: Size Thresholds for CAFOs

Animal Sector	Size Threshold: Large CAFOs	Size Threshold: Medium CAFOs
Cattle or cow/calf pairs	1,000 or more	300 - 999
Mature dairy cattle	700 or more	200 - 699
Veal calves	1,000 or more	300 - 999
Swine (weighing over 55 pounds)	2,500 or more	750 - 2,499
Swine (weighing less than pounds)	10,000 or more	3,000 - 9,999
Horses	500 or more	150 - 499
Sheep or lambs	10,000 or more	3,000 - 9,999
Turkeys	55,000 or more	16,500 - 54,999
Laying hens or broilers (liquid manure handling systems)	30,000 or more	9,000 - 29,999
Chickens other than laying hens (other than a liquid manure handling systems)	125,000 or more	37,500 - 124,999
Laying hens (other than a liquid manure handling systems)	82,000 or more	25,000 - 81,999
Ducks (other than a liquid manure handling systems)	30,000 or more	10,000 - 29,999
Ducks (liquid manure handling systems)	5,000 or more	1,500 - 4,999

C. Aggregation.

Two or more lots or facilities that collectively meet the definition of a CAFO shall together be deemed a CAFO if they are under common ownership and are either on adjoining parcels or share a waste disposal system.

D. Prohibition of CAFOs; Exceptions.

1. No person shall establish, operate, expand, or maintain a CAFO in unincorporated Sonoma County on or after the date of the enactment of this Section.
2. This Section does not limit or impact the availability of remedies under other applicable local, state and federal laws, regulations, and ordinances, including but not limited to laws, regulations, and ordinances regarding environmental protection and animal cruelty.
3. The prohibitions in this Section shall not apply to an evacuation area set up to temporarily stable animals in the case of a natural disaster or a declared state of emergency, or to a registered non-profit animal shelter, sanctuary, or rescue organization which does not sell animals or animal products.

E. Existing CAFOs; Phase-Out Period.

1. Notwithstanding anything in this Section, Pre-Existing CAFOs shall be deemed a nonconforming use and shall be required to register on a public database maintained by the Sonoma County Department of Agriculture, Weights and Measures.
2. Pre-Existing CAFOs shall be given a phase-out period of no more than three (3) years from the effective date of this Section to modify or terminate their operations such that they are no longer classified as a CAFO. Proof of this shall be provided to the Agricultural Commissioner prior to the end of the phase-out period. During the phase-out period, Pre-Existing CAFOs shall not increase the number of animals in confinement.
3. The Agricultural Commissioner or his/her designee shall inspect closed CAFOs within one month of receiving such proof of termination from a Pre-Existing CAFO to ensure that all relevant operations have ceased or been appropriately modified.
4. Any Pre-Existing CAFO taking advantage of the phase-out period mentioned in Subsection (E)(1) shall comply with Best Management Practices set forth by the Agricultural Commissioner, which shall be developed in collaboration with a California-based humane society and/or a California-based society for the prevention of cruelty to animals. The foregoing shall be in addition to any requirements imposed on CAFOs by County, State and Federal environmental protection agencies.
5. The Agricultural Commissioner shall establish a system to receive, investigate, and retain complaints related to this Section.

F. Violations.

1. Any person who continues to operate a Pre-Existing CAFO after the three (3) year phase-out period elapses, or who establishes or maintains a CAFO following the enactment of this Section, or who violates any other provision of this Section, shall be subject to a civil penalty of one thousand dollars (\$1,000) for the first offense, five thousand dollars (\$5,000) for the second offense, and ten thousand dollars (\$10,000) for the third and any subsequent offenses, payable to the Sonoma County General Fund.
2. Notwithstanding the foregoing, the Agricultural Commissioner or his/her designee may also pursue on behalf of the county any other civil or administrative penalty or remedy otherwise available for failure to comply with the requirements of this Section.
3. Each day, or portion thereof, during which the violation occurs shall be treated as a separate offense.
4. Nothing herein shall impact the standing of other interested parties, or the availability of remedies under other applicable federal, state and local laws, regulations and ordinances, including the remedies



Local Ballot Measure: J

Full Text of Measure J (Continued)

afforded any person set forth in Subsection I of this Ordinance.

5. The availability of funds under this Section shall not restrict any obligation by the County to provide retraining and employment assistance opportunities to CAFO workers.

6. For the purposes of this Subsection (F), "person" includes any owner, officer, or director of a CAFO. No penalties shall be issued to individuals solely for working at a CAFO operation unless they also meet one of the foregoing criteria.

G. Retraining for CAFO Workers

The County shall provide a retraining and employment assistance program for current and former CAFO workers during the phase-out period in Subsection (E)(1) and for an additional one year thereafter. The purpose of this program is to provide individuals who worked at a CAFO at the time of this Ordinance's enactment or who worked at a CAFO at any point during the phase-out period with the training needed to work at a legally acceptable agricultural operation or in a different job sector. This program shall be administered by the Agricultural Commissioner or his/her designee, along with qualified experts in employment law, animal rights, farm labor, and best agricultural practices. Such experts shall provide proof of their qualifications, which shall be subject to public disclosure. The County's obligation under this Subsection (G) to provide retraining and employment assistance to CAFO workers shall not depend on the fines and penalties collected pursuant to Subsection (F).

H. Annual Report.

The Agricultural Commissioner or his/her designee shall prepare an annual report containing the following information: the number of CAFOs currently operating in unincorporated Sonoma County; the number of CAFO termination notices received in the previous year; the number of CAFO termination inspections conducted in the previous year; the number of CAFO workers in the retraining program; and the amount of penalties assessed and collected in the previous year. Such report shall be presented to the Board of Supervisors at a duly-noticed public hearing and posted on the Agricultural Commissioner's webpage, beginning one year after the effective date of this Section and continuing until all CAFOs, as defined herein, have been phased out of the County.

I. Right of Action.

Any interested party may institute a civil proceeding for injunctive relief against a violation of this Section, and for whatever other additional relief the court deems appropriate. In any action brought pursuant to this Section, the prevailing party shall be entitled to reasonable attorney's fees and costs. The remedies available under this Section shall be in addition to, and shall not in any way restrict, any other rights or remedies under law. Nothing in this Section is intended to, or shall be interpreted to, conflict with the Constitution of the United States, the Constitution of the State of California, or with any state or federal law. For the purposes of this Section, "interested party" shall include but not be limited to any association, organization, society, or corporation organized for the purpose of protecting animals or the environment.

J. Retaliation Prohibited.

Any person who retaliates against another person for making a good-faith complaint that there has been a failure to comply with this Section is guilty of a misdemeanor.

K. Severability.

The provisions of this Section are declared to be separate and severable. The invalidity of any clause, phrase, sentence, paragraph, subdivision, section or portion of this Section, or the

invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this Section, or the validity of its application to other persons or circumstances. In the event that any provision is severed, the remaining provisions of this Section shall be interpreted in light of its stated purpose and intent.

SECTION 2. AMENDMENT OF OTHER COUNTY CODE SECTIONS.

Section 26-04-020(C) is hereby amended by inserting the following between "Composting" and "Condominium" as Section 26-04-020(C)(31.5):

Concentrated Animal Feeding Operations (CAFOs). Concentrated animal feeding operation, or CAFO, shall have the meaning set forth in Section 26-18-075.

Section 26-18-070(A) is hereby amended to read as follows:

Definition. The raising, feeding, maintaining and breeding of farm animals where animals are continuously confined in enclosed pens or similar structures, the majority of animal feed is provided by facility management rather than grazing, and animal wastes are concentrated on site. In the event that an operation falls under this definition and is also defined as a CAFO pursuant to Section 26-18-075, then Section 26-18-075 shall control.

1. Includes: Dairies, hog farms, veal production, and chicken and turkey ranches, and similar livestock where animals are continuously confined.
2. Excludes: Horses, goats, sheep, and similar farm animals; Concentrated Animal Feeding Operations (CAFOs).

Section 26-18-080(A)(1) is hereby amended to read as follows:

Excludes: Confined farm animal facilities, Concentrated Animal Feeding Operations (CAFOs), the keeping of household pets and wild or exotic animals.

Section 26-18-090(A)(2) is hereby amended to read as follows:

Excludes: Slaughterhouses, rendering plants, Concentrated Animal Feeding Operations (CAFOs).

SECTION 3. FUTURE AMENDMENTS.

In addition to the foregoing, the Board of Supervisors shall amend the County Code as needed within a reasonable time following the adoption of the Ordinance to effectuate this Ordinance, and from time-to-time as the necessity of any other amendments becomes clear.

SECTION 4. CONSTRUCTION & INTERPRETATION.

This Ordinance and its provisions shall be broadly construed and interpreted to accomplish its purpose and intent.

SECTION 5. CEQA.

This Ordinance is exempt from the California Environmental Quality Act (CEQA) as a citizen-sponsored initiative.

SECTION 6. SEVERABILITY.

If any provision of this Ordinance, or part thereof, or the application of any provision or part to any person or circumstance is held for any reason to be invalid or unconstitutional, the remaining provisions and parts shall not be affected, and the Ordinance as a whole shall be interpreted in light of its stated Purpose and Intent. The People of the County of Sonoma hereby declare that they would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be



Local Ballot Measure: J

Full Text of Measure J (Continued)

declared unconstitutional or invalid.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon approval by the voters, or as soon as otherwise allowable under applicable law.

SECTION 8. CERTIFICATION; PUBLICATION.

Upon approval by the voters, the County Clerk shall certify to the passage and adoption of this Ordinance and shall cause it to be published according to law.

EXHIBIT B

NEWS

‘A really easy one’: Sonoma County voters trusted local farmers over Measure J backers, PD/KRCB poll shows



Christopher Chung / The Press Democrat

A 'thank you' sign is placed over a No On J sign at the Sonoma County Farm Bureau office in Santa Rosa on Thursday, November 7, 2024. (Christopher Chung / The Press Democrat)

By **EMMA MURPHY** | emma.murphy@pressdemocrat.com | The Press Democrat and **PHIL BARBER** | phil.barber@pressdemocrat.com | The Press Democrat

Sonoma County residents hold a largely positive view of the local agriculture industry and were skeptical of the origins of a controversial measure to ban large animal farms in Sonoma County, a Press Democrat/Northern California Public Media “virtual exit poll” on the Nov. 5 election found.

Of the roughly 2,500 who answered survey questions about Measure J, 49% said they had a “very positive view” of local animal farmers and 32% said they had “a somewhat positive view.”

That compares to nearly 27% who said they had a “somewhat negative view” of animal rights groups in Sonoma County, and 20% who said they held a “very negative view.” Nearly 24% said they had “neither a positive nor negative view” on animal rights activists.

The controversial measure dominated the local political discourse leading up to Election Day. The latest election results posted this week showed the measure failing with 85% votes in opposition. That parallels the results of the exit poll, in which 83% of participants said they voted no on Measure J.



If it had passed, the measure would have made Sonoma the first county in the United States to prohibit large animal farms.

‘A really easy one’

As the dust settled in the days after the election, Santa Rosa resident Ellen

"It was a really easy one. And probably the only thing on the ballot I got right," Bowen said in one of several follow-up interviews The Press Democrat conducted with survey respondents.

Bowen, 73, grew up in what is now Silicon Valley, and her parents remained in the family home there for decades. Over time, she said, she witnessed the area's apple and prune orchards paved over for development.

"I saw over the course of my lifetime how much the character of the area changed," Bowen said. "It's unrecognizable now. And I've seen a lot of those same changes in Sonoma County. I don't want this to become another Silicon Valley. If we don't protect our agriculture, I think that's the way things will go."

The measure proposed shutting down large animal farms with thresholds varying by the type of animal being raised. Farms with more than 700 mature cows, 82,000 egg laying hens, 125,000 "broiler" chickens (those raised for meat) or 30,000 ducks would have been deemed out of compliance, and would have had three years to reduce their herds or flocks.

The PD and KRCB conducted the online survey between Oct. 31 and Nov. 7 in partnership with political science students from Sonoma State University under the direction of Professor Richard Hertz, a longtime public opinion pollster.

The non-scientific survey drew 2,915 respondents, most of them Press Democrat readers and KRCB listeners throughout the North Bay. Of those 2,915, some 2,500 reported living in Sonoma County.

Results are still coming in

Check out our Press Democrat Voter Guide [for the latest vote totals.](#)

Anxiety over the measure's potential impact on local farms and any subsequent effects on the cost of locally sourced food was a common concern among those who said they voted no. Buying local agricultural products was "very important" for 67% of survey participants, and 27% said it was "somewhat important."

"I think that it was going to have a really bad effect on some really good people in those businesses, and I think it was too heavy handed. It was too

Harris, who described herself as a “half-assed vegetarian” who eats chicken, turkey and fish, said she cares about animals but was skeptical that the measure as written would have improved conditions for animals. Voting no, she said, was an easy decision to make.

Nearly 58% of survey participants said they thought a prohibition on large animal farms in Sonoma County would be bad for small farms, while nearly 31% were unsure and nearly 12% said it would be good for small farms.

That was among the points contested throughout the Measure J campaign, a debate that left many questions unanswered. Those included the likely economic impacts of the initiative, what might become of farmland should a larger facility go out of business, and even the number of sites that stood to be impacted by the proposed ordinance.

Estimates of the latter ranged from 11 to 21 farms, but voters were never presented with a definitive list.

Skepticism about the origins of the measure and the motives of its backers further compounded the obstacles facing the campaign. About 70% of survey participants said they felt the measure originated primarily outside of Sonoma County and just 7% said they thought it originated locally.

Holes in wording cut both ways

Richard Senghas, 64, leaned on his personal experience to make up his mind on Measure J.

Senghas worked on a cattle farm in Massachusetts as a teen, helping to breed Black Angus. He has also been vegetarian for spurts. A resident of Sonoma County since 1998, Senghas now knows a lot of small farmers. And as a professor in SSU's Human Development department, he tries to apply critical thinking.

“I’m used to seeing things that are much more complicated than they appear,” Senghas said. “And I encourage students to look deeper.”

When he looked deeper at Measure J, he found holes in the wording of the initiative.

"Having a somewhat arbitrary number of animals define a 'factory farm,' that was a flag for me," Senghas said. "And I didn't see mechanisms explaining how this was actually going to be better, either for the animals or the environment. The language was very much about how people might feel about the things happening on farms, but not about how it would change."

Santa Rosa resident Damion Chaplin, however, felt the Yes on J campaign was more transparent than the opposing campaign.

"I found that the No on J website had a lot of backers and a lot of quotes from people locally but didn't have very many facts, if any facts at all," Chaplin, 50, said. "Whereas the Coalition on Factory Farming had nothing but facts."

He said the measure has "opened his eyes" to farming practices in Sonoma County and he would like to see concentrated animal feeding operations banned here.

He added that the No on J campaign might have a point that the measure was thrown together hastily and not thoroughly "thought out."

"All we have to do is think about it a little more and bring another proposition up and that might get local farmers to agree on it," Chaplin said.

Cazadero resident Caitlin Strom-Martin, 41, also voted yes on Measure J but was not surprised it failed. She said she hoped the measure would open up a dialogue about animal farming practices.

"I would just like an acknowledgment that we are not perfect in the county" when it comes to animal welfare, she said.

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The Press Democrat



Breaking News

EXHIBIT C

101-year-old Sonoma County family dairy closes after costly court fight with environmental group

JOHN BECK

FOR THE PRESS DEMOCRAT

May 2, 2024

20 minute read

There's something almost eerie about a dairy so quiet the loudest sound is birdsong. Normally, a constant mooing would bellow above the clanging that cows make when they rub against steel gates. The rush of tractors and delivery trucks would fade in and out all day.

For the past 101 years, the cows on this farm near San Pablo Bay were milked twice a day. In recent years, that meant you'd hear the loud hum of vacuum pumps running from midnight to 7 a.m. and again from noon to 7 p.m.

"You normally don't hear the birds," said Mike Mulas, who served as Mulas Dairy president for the past 13 years, after his father and uncle before him and his grandfather before that. It is now a ghost town of empty barns and corrals. The only cows left are a pair of marble statues on either side of the driveway off Carneros Highway.

Mulas was standing near a drainage ditch on the east side of his 800-acre Schellville property. The shallow stormwater trench runs through part of the farm and empties into a field, not far from a network of creeks that flow into San Pablo Bay. It was a major point of contention in a lawsuit filed over alleged water quality violations in early 2023.



Mike Mulas near a drainage ditch on the east side of his 800-acre Schellville property, Thursday, March 21, 2024. The shallow stormwater trench runs through part of the farm and empties into a field, not far from a network of creeks that flow into San Pablo Bay. It was a major point of contention in a lawsuit filed over alleged water quality violations in 2022. (Kent Porter / The Press Democrat)

Mulas, who was an equal partner with his brother Ray and two sisters Vickie and Carolyn, tried to fight back. For nearly a year, they went back and forth with attorneys, consultants and state water quality inspectors, racking up nearly \$300,000 in debt. Until finally, as part of the settlement, they agreed to cease operations and go out of business last October.

“If we had stayed in it, there was all kinds of stuff and more money,” he said. “I’d still be fighting it. By the time I was done, it would be a million-dollar investment.”

Mulas occasionally shakes his head in frustration when he talks about the case. It’s how he felt the day he watched his last cow loaded up and shipped out for the Turlock livestock auction.

The closure, which ended 13 jobs outside of the family, wasn't reported at the time. Mulas didn't want to talk about it for months. But other farmers in the area knew. They talked about it, and some wondered if they were next.

"We were using funds on attorney fees versus funds to pay the operating bills," Mulas said. "This industry can't support both. I don't care who you are, it's tough to withstand ongoing battles."

The closure marks the end of an era for the Mulas family, stalwarts of the small community in this rural corner of Sonoma County, where family members have helped lead the fire department, school board and local resource conservation district, to name just a few.

"You fight battles for a while, but at some point you have to know when to cut your losses and move on."

— Mike Mulas

For the North Bay's struggling dairy industry, it could also be read as another signpost of the new era. In an age where some environmental groups take to the courts in higher

numbers, going after farms they allege are polluting surrounding watersheds, many struggling family farms simply can't put up a fight anymore.

In one of the most high-profile examples, in Point Reyes National Seashore, dairy farmers and cattle ranchers have been locked in legal battles with environmental groups since 2016. Many of them say the writing has been on the wall ever since Drakes Bay Oyster Co. owner Kevin Lunney came up short in his divisive bid to keep operating in the federal seashore and closed shop in 2014.

One of four dairies left on the western Marin peninsula, Kehoe Dairy, is down to around 80 cows. All the farmers recently signed nondisclosure agreements and can't comment during the latest round of mediation.

But last fall, around the same time Mulas was selling off his herd, Tim Kehoe stood on a hill overlooking the farm his grandfather founded in 1922 — the same year Mulas Dairy started — and shared his doubts about keeping on. “Up until about five or six years ago, we never thought about this coming to an end,” Kehoe said.

Now, it could only be a matter of time. Kehoe's next-door neighbor, McClure's Dairy, closed in 2021. Petaluma's Corda Dairy closed in 2022. In their heyday, there were around 300 dairies in Sonoma County. Today there are 50.



Red-wing and Brewers blackbirds, feed off a trough of hay and insects at the Mulas Dairy Co. in Schellville, , Thursday, Oct. 19, 2023. On a normal day, dairy cattle would be eating the grain. Mike Mulas sold the last of his dairy herd earlier in the afternoon. (Kent Porter / The Press Democrat)

Mounting pressure on dairies

Sonoma County residents are poised to vote this year, likely in November, on a ballot measure that would ban so-called “factory farms,” including ranches with 700 or more dairy cattle, or 200 or more dairy cattle if the facilities discharge manure directly into surface water. The same goes for poultry and egg farms, which would be restricted at different thresholds.

Ongoing dairy legal battles are compounded when you consider the industry nationwide is facing crippling inflation prices for feed, utilities and gasoline, while still recovering from recent drought years. If around half of income typically goes to pay for feed, now it's upward of 65% to 70%, which makes it nearly impossible to turn a profit.

“I don't know if there's a dairy in the county, whether you're Sonoma or Marin, that's not looking at an exit plan,” Mulas told a Sonoma Index-Tribune reporter in October 2022.

A certified letter would arrive the next month, the day after Thanksgiving, giving notice of the intended lawsuit.

In the tally of environmental victories over the past several decades, it's a case that will hardly merit a mention or even a footnote: A third-generation farm on its last legs gets hit with a routine lawsuit meant to force it to comply with federal water quality standards. The goal was not to put Mulas out of business, said Petaluma attorney Andrew Packard, who along with his associate William Carlon, filed the suit against Mulas on behalf the California Sportfishing Protection Alliance.

California Sport Fishing Alliance Suit.pdf

Working on contingency, Packard has filed more than 100 stormwater discharge cases for a handful of clients across the state. He handles about eight to 10 cases a year. Around the same time he sued Mulas, Packard also filed suit against Reichardt Duck Farm in Petaluma, later reaching a settlement that includes continued monitoring.

One of Packard's top clients is the California Sportfishing Protection Alliance, an environmental nonprofit based in Groveland that's involved in lawsuits all over the state, including the planned Sites Reservoir in Colusa County, the proposed Delta tunnel and a previous wastewater case at Mule Creek State Prison in Amador County.

Funded mostly by grants from foundations, the sportfishing alliance has filed four to six water quality lawsuits per year for the past three years.

“Our goal isn’t to make life difficult for people doing business. Our goal is to stop pollution.”

— California Sportfishing Protection Alliance director Chris Shutes

The strategy is simple: “They tell me to ‘stick and move, stick and move,’” Packard said, using a boxing analogy to explain the group’s playbook. The way it typically works, he said, is CSPA director Chris Shutes will direct Packard toward the next target.

“We’ll have a meeting, and they’ll say, for example, ‘We want you to look at this industry — maybe it’s auto recycling in the Redding area. There’s a lot of it and no enforcement’s going on,” Packard said. “So, we might go and look at all the files of the 18 auto

dismantlers in the greater Redding area, and say, ‘Well, these six are the worst.’ And they might greenlight an investigation, and possibly a lawsuit after that.”

The goal is to get the rest of the industry to follow suit by using the settlement as a deterrent.

“We want the worst guy out there, so when the public settlement is circulated, it’s like, ‘Oh wow we better get our act together.’ We try to encourage what’s called quiet compliance.”



Mike Mulas goes through and displays the environmental awards Mulas Dairy Co. has received, Thursday, March 21, 2024. (Kent Porter / The Press Democrat)

Data fuels lawsuit

In this case, the target was dairy farms in the Sonoma area, particularly near the San Pablo Bay watershed. Packard and Carlon, who has since left Packard’s firm to start his own practice in Napa, started by combing a public database.

SMARTS, which stands for Stormwater Multiple Application and Report Tracking System, is available online to anyone interested in analyzing water quality test results. Every farm that holds permits requiring it to self-monitor and take samples from the local watershed has to submit annual test results, which are uploaded to the SMARTS database.

Packard said he doesn't remember exactly what initially flagged Mulas Dairy in early database searches. It might have been tests taken at two points in nearby Schell Creek that showed excessive total suspended solids — tiny waterborne particles, such as soil or algae or decaying organic matter, larger than 2 microns — at concentrations of 252 and 256 milligrams per liter, well over the federal benchmark value of 100 milligrams per liter. In January 2019, they were 122 and 199 milligrams per liter, according to the SMARTS database.

Or it might have been an October 2021 notice of violation from the San Francisco Regional Water Quality Control Board for failing to submit annual Exceedance Response Action reports for the previous year as required by the industrial stormwater general permit.

In any case, Packard sent out an investigator to take photos with a camera and a drone.

“They tried to fudge the facts about whether that was happening, and thank God there are drones, because they do tell a different story.”

— Petaluma attorney Andrew Packard

“It was kind of primitive. They had a tributary of the slough running right through where the cows were standing around,” said Packard, talking about the drainage ditch. “You could see it from the road.”

They filed suit soon after in January 2023, alleging the “defendants discharge pollutant-contaminated stormwater from the facility into an unnamed creek, which drains to Schell Creek, then to Steamboat Slough which is a tributary of the Second Napa Slough, which discharges to Sonoma Creek and ultimately to San Pablo Bay and the Pacific Ocean.”

The lawsuit also noted that Mulas Dairy qualifies as a CAFO or “concentrated agricultural feeding operation” — an official term for a facility that stables or confines animals for 45 days or more in any 12-month period. Mulas Dairy had about 800 mature dairy cows and 400 calves at the time, according to the suit.

Under the Clean Water Act, a third party (in this case the sportfishing alliance) can sue if they can show that state or federal agencies are not enforcing violations of water quality standards.

In early January 2023, just before the suit was filed, Mike Mulas and his attorneys invited Packard and Carlon out to the farm to look around. “We had nothing to hide,” Mulas said. “At some point, they took the case from over there (pointing to Schell Creek to the west) to over here (pointing to the drainage ditch on the east side of the dairy).”



Mulas Dairy Co. hand Tony Solorio leads dairy cattle towards an awaiting transport truck as the Mulas dairy herd is sold off, Thursday, Oct. 19, 2023. (Kent Porter / The Press Democrat)

Two months later, in March 2023, a San Francisco Bay Regional Water Quality Control Board inspector came out to the property after receiving a complaint that dairy cows had been seen in the drainage ditch. It turned out that cows had broken a fence and entered the ditch. Mulas removed the cows from the ditch and fixed the fence.

But in a detailed inspection report covering the entire property, the inspector also found that the dairy was holding permits it didn't need. In addition to the general waste discharge requirements for confined animal facilities permit, Mulas had also obtained a permit for industrial stormwater discharge back in the 1980s when he was unsure of water board regulations and classifications. Now it was deemed unnecessary.

"Our finding was that there was no discharge under the industrial stormwater permit, therefore we allowed them to terminate the coverage under that permit," said Xavier Fernandez, planning division manager at San Francisco Bay Regional Water Quality Control Board.

Stormwater permit coverage is required only for facilities that meet the definition of a CAFO and also discharge pollutants into waters of the U.S., he said. Since there was no evidence of discharging, and "the facility's production area is designed, constructed, operated, and maintained so as not to discharge," then there was no need for a permit.

As evidence, Fernandez pointed to five waste and stormwater retention ponds, a levee that prevents overspill into Schell Creek, grading of freestall barns to drain toward the ponds, fencing to keep animals out of surface water, feed locations located away from waters and diversion ditches that were clean and not creating erosion.

As part of the Clean Water Act, a letter notifying of the lawsuit is sent to the water quality board and "if we take up enforcement, then the third-party lawsuit goes away," Fernandez said.

But, in an almost Kafkaesque twist, since the board maintained there was nothing to enforce, "we did not take up enforcement," said Fernandez, and the lawsuit continued.

Suit was 'tipping point'

As Packard and Carlon pushed forward, they demanded Mulas come up with a new stormwater pollution prevention plan and an improved monitoring system. They also asked the court to require Mulas to pay civil penalties of \$59,973 per day per violation for all violations occurring after Nov. 2, 2015.

“The issue from a Clean Water Act standpoint is that this little tributary that these cows are standing around and (defecating) in, runs through a pipe and then into a swale, and down into a field that wasn’t always flooded, but sometimes was flooded, and then through a break in the levee that was controllable with a gate,” Packard said. “They tried to fudge the facts about whether that was happening, and thank God there are drones, because they do tell a different story.”



Dj Rocha Trucking of Hilmar, loads the last of Mike Mulas’ dairy herd at Mulas Dairy Co. in Schellville, Thursday, Oct. 19, 2023. (Kent Porter / The Press Democrat)

By June 2023, the parties were already in settlement talks. On Oct. 19, 2023, the last of more than a thousand cows and calves were shipped off to Turlock.

Mulas makes it clear that many factors contributed to the closure of the dairy — and the lawsuit was simply “the tipping point.” It’s ironic though, he said, that back in 2017, the Golden Gate Salmon Association gave Mulas Dairy an award for its watershed stewardship and use of recycled water in the fields. Now, a different group was pushing him to the brink of insolvency.

Over the course of more than 100 stormwater discharge lawsuits, Packard said, he's seen many defendants threaten to go out of business, but this is the first one that's actually closed shop as part of the settlement.

"Our goal has never been to put anybody out of business," said CSPA director Chris Shutes. "Our goal isn't to make life difficult for people doing business. Our goal is to stop pollution."

Sonoma County Farm Bureau Executive Director Dayna Ghirardelli strongly disagrees. "This almost felt like a witch hunt," she said.

Back in the 2000s, Ghirardelli worked as a consultant with Mulas Dairy to help them with water quality permitting. This time around, she helped connect Mulas with dairy industry advisers and water quality permitting experts, but she couldn't help them find a way to survive.

STATE OF CALIFORNIA
BILL OF SALE OR CONSIGNMENT
FOR USE WITHIN CALIFORNIA ONLY

Date: 10/19/23

Carrier's Name and Vehicle License: SONOMA

Town or Feedlot: SONOMA

Buyer's Name: MULAS DAIRY

Owner's Name: PREMONT

Lot #: 2034

City: SONOMA

County: SONOMA

SEX	BRAND	LOC	COLOR/BREED	LOT #	CERT # EARTAG
F	37E	RH	Hol		

A bill of sale for dairy cattle at Mulas Dairy Co. in Schellville, Thursday, Oct. 19, 2023. (Kent Porter / The Press Democrat)

Family's long legacy

Walking around his vacant property on a quiet spring morning, Mulas stopped to point out surrounding hills and flatlands where more than a dozen dairies flourished decades ago.

Somehow, Mulas Dairy outlasted nearly all of them. Mertens might be the only old-time, multigenerational dairy left near Sonoma.

“Maybe it was our Italian stubbornness,” he joked.

Looking for work and a new start, his grandfather, Mike Mulas Sr. arrived in San Francisco from the Italian island of Sardinia in 1914. Working piecemeal jobs in the shipyards for a year, he finally landed a steady job milking cows in Petaluma. By 1922, he had worked his way up to leasing a farm and a handful of cows at the south end of Sonoma Mountain.

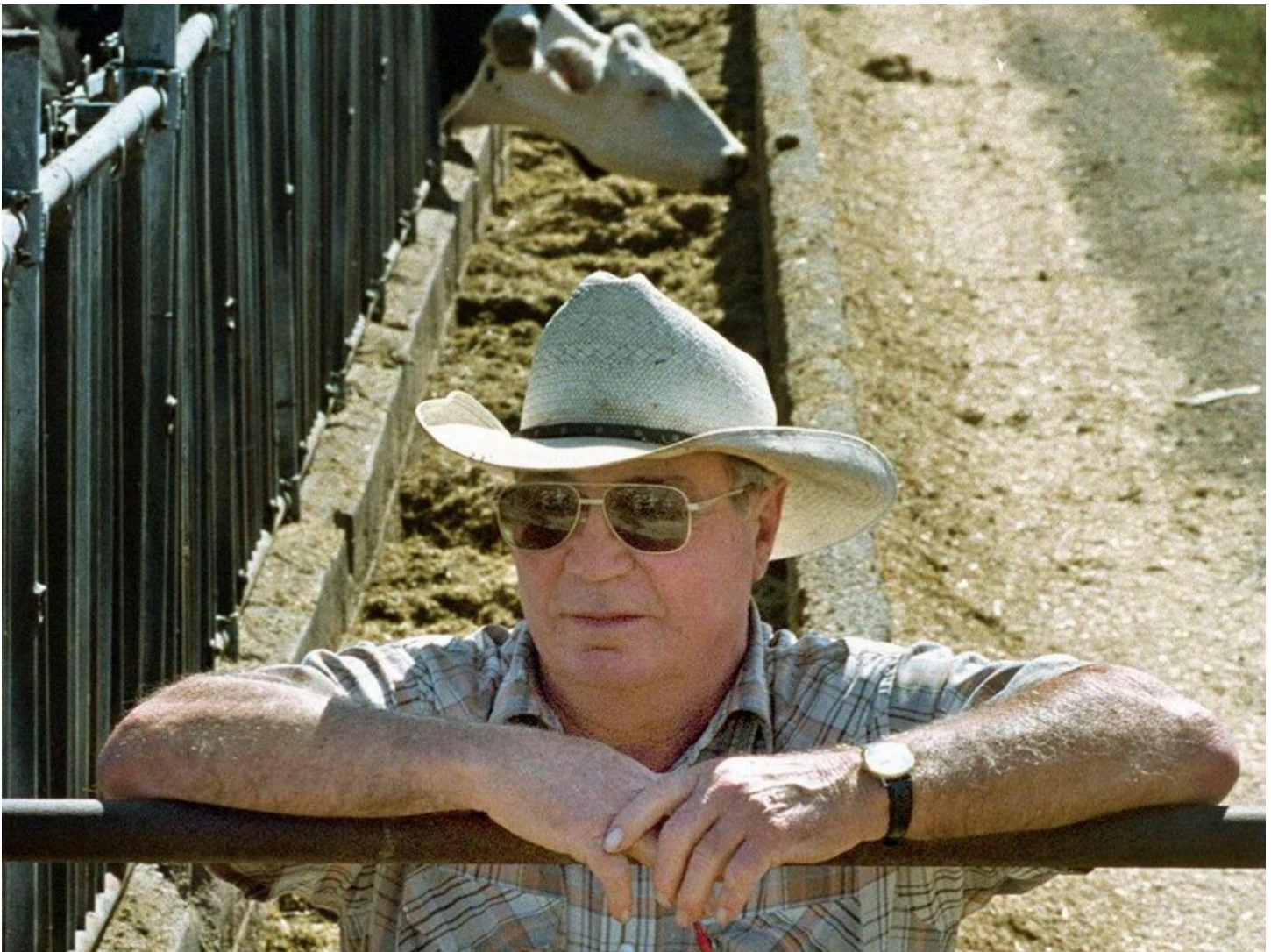
The dairy relocated twice — once along Stage Gulch Road, now Highway 116, near Petaluma where sheriff’s deputies were called to his ranch in 1936 when he refused to allow state officials to test his cows for tuberculosis. He relented, and later settled on the present Carneros Highway ranch with 17 cows in 1937.

By 1953, Mulas had 140 cows on 380 acres. His two sons, Mitch and Mario, helped milk twice a day, starting at 4 a.m. Back then, they had five milking machines, costing \$125 each. The milk barn cost around \$17,000. And cows that produced around 40 pounds of butterfat a month, cost \$250 each.

Mike Mulas remembers the rough-and-tumble days while learning to work the farm at an early age. Like the time, at 7, when his dad was busy wrestling a calf in the back of a truck, and told him to “drive toward that gate.”

So he did, and he ran right over the gate. “He didn’t say to stop,” the younger Mulas quipped.

His father, Mitch Mulas, was a born leader, whether it was running the dairy or serving as president of the county farm bureau, chief of the Schell-Vista fire station or as a member of the local school board or conservation district.



Mitch Mulas at the Mulas Dairy in an undated photo. (The Press Democrat file)

By the time he passed the farm down to his children, Mitch Mulas was a veteran of many land-use battles. In 1986, he fought a ballot initiative to prevent farms from being turned into residential subdivisions. Four years later, he helped lead the successful campaign to create the county's taxpayer-funded Agricultural Preservation and Open Space District.

His philosophy was "If you're going to live in a community, you better be involved in it," Mike Mulas said.

His children followed suit. Ray Mulas is the longtime fire chief at Schell-Vista Fire Protection District, where Mike also volunteers. Their sister Vickie has been on Sonoma Resource Conservation District and Sonoma Valley Groundwater Sustainability Agency boards. Mike was also an assistant football coach at Sonoma Valley High School for 35 years.

This past Christmas, the extended families gathered as they always do in “the family meeting hall,” a converted garage beside their parent’s old house across the highway from the dairy. Volunteer firefighters used to call it “Station 3” because it’s where extra Schellville Fire engines would occasionally be parked. It includes a kitchen with a walk-in freezer where Mike Sr. would store his special spaghetti sauce in large milk churns.

As a Christmas present, Mike Mulas’ wife, Denise, had a dusty box of vintage 8 mm family film reels converted to digital files. Everyone gathered around and watched them on the family television, not far from a wood-burning stove and walls filled with ranching photos and newspaper clippings underneath the words: “Together We Make a Family.”

Nostalgic and bittersweet, one video showed a new barn being built. “Another was when they invited the Italian Consul up from San Francisco,” Mulas said. “All these cars with flags are driving by. It was a big deal back then.”

He tries not to think of what his grandfather would say about the farm closing, but he knows his father would have done the same thing. “You fight battles for a while, but at some point you have to know when to cut your losses and move on. I know he would have done the same thing.”



Mike Mulas of Mulas Dairy Co. in Schellville, Thursday, March 21, 2024. (Kent Porter / The Press Democrat)

Looking ahead

For now, Mulas plans to keep the dozen or so large barns standing on the property, while selling off old equipment to much larger dairies in the Central Valley. The irony he says, is that Sonoma County residents may one day buy all their milk from massive Central Valley dairies — the industrial CAFOs that environmental groups are cracking down on.

Meanwhile, Packard's goal of "quiet compliance" seems to be working. Ripple effects from the settlement are still reverberating through the local farming community.

"One dairy farmer recently asked, 'How do I protect myself if these guys are out there just grabbing information and they don't really care what we do and they're just trying to put us out of business?'" Ghirardelli said. "There's a lot of fear out there."

At age 63, Mulas shares that some days he is bitter in the wake of the dairy's closure. Other days he tries to look on the bright side. "Maybe the lawsuit was a blessing in

disguise for us. After I see where the industry is going now, maybe it was.”

He’s almost relieved not to be looking over his shoulder anymore. “I’ve heard rumors that there are drones flying over people’s properties, and then they’re getting hit with people asking questions,” he says. “You used to get up in the morning and you loved to do what you do, and you went to work. Now these guys get out of bed in the morning and look over their right shoulder, their left shoulder, and look up in the air. There are people all over the place checking on them.”

Packard, for his part, is ever vigilant: “Every time I drive by, I’m always checking to see if maybe they aren’t buying another herd,” he said.



The last few Holstein dairy cows at the Mulas Dairy Co. wait to be milked in Schellville, Thursday Oct. 19, 2023. Afterwards, the cattle were trucked away as Mike Mulas sold the last of the cows were sold off. (Kent Porter / The Press Democrat)

The question now is, what to farm next on the land? Still paying property taxes, Mulas has been mulling it over for months and still hasn’t come up with a viable plan. It’s a common dilemma for farmers around the country. The acreage is zoned for agriculture, so it will likely never be developed for housing. He currently farms 72 acres of chardonnay and

pinot noir grapes, but with a glut last harvest, “grapes are a dying breed right now,” he said. “We’ve got grapes and can’t get contracts.”

Other farmers advised him to put silage and hay crops in. “But we’re losing animals, so you don’t need that many of those crops anymore. There’s plenty of feed around for the animals we have. So that’s kind of a moot point.”

Looking back, it’s a good thing he never encouraged his kids to go into the business, he said. His son is a vineyard manager in Napa, and his daughter is a nurse at Marin General.

“I pretty much steered them away. I could see the writing on the wall when they were growing up.”

Whatever crop he finally decides to plant, in the back of his mind he’ll be wondering who might be monitoring his every move and which watchdog group he might have to face off with down the road.

“It doesn’t pay to own ground anymore, not in Sonoma County,” he said. “There is no more right to farm — you don’t have the right to farm anymore.”

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